

Message Text

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ACTION IO-14

INFO OCT-01 DLOS-07 AF-10 ARA-16 EA-11 EUR-25 NEA-14

RSC-01 ISO-00 CG-00 CIAE-00 DODE-00 PM-07 H-03 INR-10

L-03 NSAE-00 NSC-07 PA-04 PRS-01 SP-03 SS-20 USIA-15

CEQ-02 COA-02 COME-00 EB-11 EPA-04 NSF-04 SCI-06

FEA-02 ACDA-19 AEC-11 FMC-04 INT-08 JUSE-00 OMB-01

AGR-20 DOTE-00 DRC-01 /267 W
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P R 142135Z JUN 74

FM USMISSION USUN NY

TO SECSTATE WASHDC PRIORITY 4442

INFO AMEMBASSY LONDON

AMEMBASSY PARIS

AMEMBASSY MOSCOW

AMEMBASSY TOKYO

AMEMBASSY CARACAS

C O N F I D E N T I A L USUN 2158

FROM AMB. STEVENSON

E.O. 11652: GDS

TAGS: PFOR PBOR UN

SUBJ: LOS CONSULTATIONS OF GROUP OF 5 ON NON-EXCLUSIVE
ECONOMIC ZONE.

1. IN GROUP OF 5 MEETINGS IN NY CONCLUDING JUNE 14
US, USSR, UK, FRENCH AND JAPANESE REPS AGREED ON ALTERNA-
TIVE TEXT ON NON-EXCLUSIVE ECONOMIC ZONE TO BE SUBMITTED
TO JENS EVENSEN (NORWAY) FOR INCLUSION IN HIS REVISED
INFORMAL WORKING DOCUMENT. TEXT WILL BE SUBMITTED ANONYMOUSLY BUT AS
IT WILL BE INDICATED TO EVENSEN THAT IT IS AS PERSONAL
UNOFFICIAL TEXT OF AMB. STEVENSON, AMB. JACKLING,
MINISTER JEANNEL, AMB. OGISO AND DR. ROMANOFF. TEXT
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INCLUDES BRACKETED ALTERNATIVES REFLECTING DIFFERENCES

BETWEEN POSITIONS OF FIVE REPS.

2. IN COURSE OF DISCUSSION INDICATIONS OF FOLLOWING
CHANGES IN NATIONAL POSITIONS INDICATED.

(A) ALL PREPARED TO NEGOTIATE ON BASIS OF 200 MILE NON-EXCLUSIVE
ECONOMIC ZONE SUBJECT TO VARIOUS CONDITIONS INCLUDING
APPROPRIATE INTERNATIONAL PROTECTION FOR OTHER USES
AND FOREIGN FISHING. AND COMPULSORY DISPUTE SETTLEMENT.

(B) UK HAS CHANGED POSITION FROM SUPPORT OF
REVENUE SHARING BEYOND 200 METERS TO
OPPOSITION TO ANY REVENUE SHARING IN ECONOMIC ZONE. USSR
REP INDICATED CONTINUING STRONG USSR OPPOSITION TO
REVENUE SHARING IN ECONOMIC ZONE AND INDICATED FOREIGN
MINISTRY HAS INCLUDED REFERENCE TO USSR POSITION ON THIS
POINT FOR DISCUSSION WITH SECRETARY KISSINGER AND POSSIBLY
THE PRESIDENT IN MOSCOW. RECOMMEND APPROPRIATE BRIEFING
PAPER AND TALKING POINTS BE PREPARED ON CONTINGENCY BASIS.

(C) UK HAS INDICATED VERY STRONG OPPOSITION TO
PROVISION FOR COMPLIANCE WITH INVESTMENT CONTRACTS AND
COMPENSATION FOR ANY TAKING IN ECONOMIC ZONE. OPPOSITION
APPARENTLY IS MAINLY BASED ON UK'S POSITION AS LESSOR IN
NORTH SEA AND SECONDARILY ON CONVICTION THAT PROPOSAL VERY
UNPOPULAR WITH DEVELOPING COUNTRIES. WHEN PRESSED JACKLING
INDICATED THAT FUNDAMENTAL BASIS WAS UK'S UNWILLINGNESS TO
ACCEPT THIS OBLIGATION IN ITS OWN ECONOMIC ZONE. HOWEVER
THEY ALSO FEEL LAW OF THE SEA CONF INAPPROPRIATE FORUM
FOR SUCH PROVISIONS. AMB. STEVENSON POINTED OUT THAT
DEVELOPING COUNTRY OPPOSITION TO SUCH PROVISIONS IN LAW
OF THE SEA TREATY APPEARED LESS STRONG THAN OPPOSITION TO
SIMILAR PROVISIONS LIMITING THEIR SOVEREIGN RIGHTS ON
LAND AND SOME WERE IMPRESSED THAT THIS MIGHT HELP ATTRACT
FOREIGN INVESTMENT AND TECHNOLOGIES.

(D) USSR IS APPARENTLY WILLING TO GO ALONG WITH 200
MILES OR EDGE OF THE MARGIN LIMIT FOR SEABED JURISDICTION
WHILE JAPAN CONTINUES TO INSIST ON 200 MILE LIMIT.

(E) JAPAN APPARENTLY WILLING TO ACCEPT AT LEAST FOR
PURPOSES OF UNOFFICIAL EVENSEN CONSULTATIONS COASTAL
STATE PREFERENTIAL RIGHTS AND REGULATORY AUTHORITY WITH
RESPECT TO SALMON THROUGHOUT MIGRATORY RANGE SUBJECT TO
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THE FOLLOWING CONDITION:

"IN CASES WHERE SUBSTANTIAL EXPLOITATION OF ANADROMOUS
RESOURCES HAS BEEN CARRIED OUT OVER A LONG PERIOD OF TIME
BY NATIONALS OF A STATE OTHER THAN THE COASTAL STATE,
THAT STATE SHALL BE ENTITLED FOR THEIR NATIONALS TO
CONTINUE THE EXPLOITATION OF SUCH RESOURCES IN THE
AREAS TRADITIONALLY FISHED IN ACCORDANCE WITH THE MEASURES

FOR CONSERVATION AND EXPLOITATION IN THE AREAS TO BE DETERMINED BY AGREEMENT BETWEEN THE STATES CONCERNED OR, SHOULD SUCH BE THE CASE, BY APPROPRIATE REGIONAL FISHERIES ORGANIZATION. IF AGREEMENT CANNOT BE REACHED WITHIN..... MONTH(S), THE MATTER SHALL BE REFERRED TO THE SPECIAL COMMISSION PROVIDED FOR IN ARTICLE-----."

(F) UK WISHES COASTAL STATE RIGHT TO ESTABLISH SAFETY ZONES AROUND OFF SHORE INSTALLATIONS OUT TO A DISTANCE OF 1000 METERS RATHER THAN 500 METERS AS IN EXISTING CONTINENTAL SHELF CONVENTION.

(G) JAPANESE ACCEPTANCE OF COASTAL STATE FISHERIES JURISDICTION OUT TO 200 MILES FOR COASTAL SPECIES SUBJECT TO FOLLOWING TRADITIONAL FISHING LANGUAGE:

"(A) THE COASTAL STATE SHALL HAVE THE RIGHT TO FISH THAT PORTION OF THE ALLOWABLE CATCH OF THE RENEWABLE RESOURCES WHICH IT CAN HARVEST SUBJECT TO THE PROVISIONS OF PARAGRAPHS B AND C.

"(B) THE COASTAL STATE SHALL PROVIDE ACCESS BY OTHER STATES TO THAT PORTION OF THE ALLOWABLE CATCH OF A RENEWABLE RESOURCE NOT UTILIZED BY ITS VESSELS.

"(C) THOSE STATES WHOSE NATIONALS HAVE CARRIED ON FISHING IN THE ZONE OF A DEVELOPED COASTAL STATE OVER A LONG PERIOD OF TIME SHALL BE ENTITLED FOR THEIR NATIONALS TO CONTINUE FISHING IN ACCORDANCE WITH THE MEASURES FOR CONSERVATION AND EXPLOITATION TO BE DETERMINED, BY AGREEMENT BETWEEN THE STATES CONCERNED OR, SHOULD SUCH BE THE CASE, BY A COMPETENT REGIONAL FISHERIES ORGANIZATION.

IF AGREEMENT CANNOT BE REACHED WITHIN..MONTH(S), THE MATTER SHALL BE REFERRED TO THE SPECIAL COMMISSION PROVIDED FOR IN ARTICLE-----."
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